

MEMORANDUM

March 29, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

THOMAS C. HURRELL
Hurrell and Cantrall, LLP

RE: James Marvin Jones v. County of Los Angeles, et al.
United States District Court Case No. CV 04-8286 DDP (RNx)

DATE OF
INCIDENT: October 7, 2003

AUTHORITY
REQUESTED: \$100,000

COUNTY
DEPARTMENT: Sheriff's Department


CLAIMS BOARD ACTION:

☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on April 16, 2007

SUMMARY

This is a recommendation to settle for \$100,000 a federal civil rights lawsuit filed by James Marvin Jones, who alleges that he was unlawfully arrested by a Los Angeles County Sheriff's Deputy.

LEGAL PRINCIPLES

A Sheriff's Deputy may be liable for a violation of federal civil rights for an arrest made without reasonable cause. The County of Los Angeles may be held liable for federal civil rights violations for an arrest made without reasonable cause, if the unlawful arrest was pursuant to a County policy or custom.

SUMMARY OF FACTS

On October 7, 2003, James Marvin Jones was an on-duty airline employee in a baggage handling area at an LAX terminal that is closed to the public. He witnessed a man, who turned out to be an undercover Sheriff's Deputy on a narcotics investigation, attempt to open a door, which set off an alarm. The Deputy fumbled with the keypad momentarily and then walked away.

Mr. Jones stepped in front of the Deputy and asked for identification. There is a question of fact whether the Deputy clearly identified himself at that point. The Deputy indicates that he did. Mr. Jones claims the Deputy flashed something in front of him, but he could not tell if it was appropriate identification. Therefore, Mr. Jones did not let the Deputy pass. The Deputy then arrested Mr. Jones for interfering with a police investigation, and released on a citation. Criminal charges were not filed against Mr. Jones.

DAMAGES

Should this matter proceed to trial we assume potential damages as follows:

Emotional Distress	\$100,000
Attorneys' Fees	<u>\$400,000</u>
Total	\$500,000

The proposed settlement provides for the County to pay \$100,000 to Mr. Jones for all of his claims for damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been stayed pending consideration of this proposed settlement.

The fees and costs in this case are relatively high. Mr. Jones' counsel pursued this case very aggressively during discovery, taking numerous depositions and filing discovery motions. In addition, our attorney had to travel out of state to take the deposition of an FBI agent, who was a witness to the incident. This settlement was not reached until shortly before the scheduled trial date. Expenses incurred by the County in the defense of this matter include attorneys' fees of \$171,779 and \$13,676 in costs.

EVALUATION

This is a case of disputed liability. The Deputy contends Mr. Jones interfered with him during his investigation. Mr. Jones contends that he did not know the Deputy was a law enforcement officer, because he did not allow Mr. Jones to see his ID. A flight attendant who witnessed the incident supports Mr. Jones' version of events.

A reasonable settlement at this time will avoid further litigation and a potential verdict which, along with attorneys' fees, will likely exceed this recommended settlement.

We join with our private attorney, Hurrell and Cantrall, in recommending settlement in the amount of \$100,000. The Sheriff's Department concurs with this recommendation.

APPROVED:


for ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:GWT:bl